

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

CHARLES LEE THORNTON,

Plaintiff,

vs.

CITY OF KIRKWOOD,

Defendant.

Case No. 4:07CV0079-CDP

DECLARATION OF MAYOR MICHAEL SWOBODA

I, Michael Swoboda, being of lawful age, declare and state the following:

1. My name is Michael Swoboda and I am over the age of 18 years of age and competent to testify to all facts set forth herein.
2. At all times relevant herein, I have been the Mayor of the City of Kirkwood.
3. I am familiar with the Plaintiff in this lawsuit, Charles Lee Thornton, because he regularly attends Kirkwood city council meetings.
4. I am also familiar with Mr. Thornton because he has received various Kirkwood municipal ordinance violations and filed various lawsuits against Kirkwood over the last several years.
5. I routinely preside over the Kirkwood city council meetings as the Mayor of the City of Kirkwood.
6. Since the June 15, 2006 council meeting, Mr. Thornton has frequently attended council meetings and has not been denied an opportunity to speak.
7. Mr. Thornton has never been banned from attending or participating in Kirkwood city council meetings, and the City Attorney, John Hessel, advised the City Council that he could

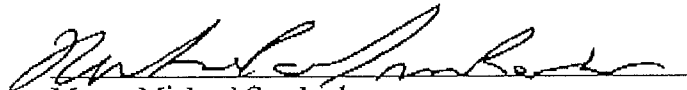
not be banned from the Council meetings.

8. Mr. Thornton's behavior at the May 18, 2006 city council meeting was disruptive to the Public Hearing, was offensive, and made it difficult to conduct city business.

9. Mr. Thornton's behavior at the June 15, 2006 city council meeting was disruptive, was offensive, and made it difficult to conduct city business.

Pursuant to 28 U.S.C. §1746, I declare under penalty of perjury under the laws of the United States, that the foregoing is true and correct and, if sworn as a witness, I could and would testify confidently thereto.

Executed on this 12th of October, 2007 in St. Louis, Missouri.


Mayor Michael Swoboda